

## REMARKS

In the re-mailed Office Action of June 21, 2004, the Examiner noted that claims 1-28 were pending, and rejected all claims. The Examiner's rejections are traversed below.

In the Action the Examiner rejected all claims over Oliver or Oliver with Nakaoka or Oliver with Beck.

In a personal interview with the Examiner associated with the re-mailed Action, the teachings of Oliver and the presently claimed invention were discussed. As discussed with the Examiner, the present invention produces and displays "a ratio of persons who have received the message and completed the assigned parts of the job to all the persons who have received the message and have been assigned the parts of the job" (see, for example, claim 1), which the Examiner characterized as "a ratio of persons who have completed the job" in the Interview Summary. As noted by the Examiner, in the Interview Summary Oliver "compares the earned value percent complete." An example was discussed with the Examiner that indicates the difference. Assume that jobs are assigned to 4 people and each job takes 10 hours where the value cost is \$10 per hour and the actual cost is \$5 per hour. This results in a total cost planned of  $4 * 10 * \$10 = \$400$ . Also assume that 2 people have completed 50% of their jobs and 2 people have completed 100% of their jobs. In this situation the money earned is  $(5 \text{ hrs.} + 5 \text{ hrs.} + 10 \text{ hrs.} + 10 \text{ hrs.}) * \$10 = \$300$  and the actual cost is  $(5 \text{ hrs.} + 5 \text{ hrs.} + 10 \text{ hrs.} + 10 \text{ hrs.}) * \$5 = \$150$ . In Oliver the EV (earned value) percent complete value (schedule) = earned / planned =  $\$300 / \$400 = 75\%$ . In Oliver the EV percent complete value (costs) = value earned / actual cost =  $\$300 / \$150 = 200\%$ . This is very different from the number obtained in the present invention based on the ratio of persons who have completed the job which is present invention ratio =  $2/4 = 50\%$ . As can be seen, this is very different. The Examiner recognized this "distinction" as noted in the Interview Summary. It is submitted that Oliver does not teach or suggest using a ratio of persons and, thus, that the present invention is patentably distinguishable over the prior art.

Nakaoka and Beck do not teach or suggest this ratio feature of the present invention and, thus, add nothing to Oliver concerning measuring jobs parts completion progress.

It is submitted that the claims distinguish over Oliver, Nakaoka and Beck for the above-discussed reasons.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art.

It is submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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